

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re DHB INDUSTRIES, INC. CLASS ACTION
LITIGATION

NECA-IBEW PENSION FUND (THE DECATUR
PLAN), RS HOLDINGS GROUP, Lead Plaintiffs,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

-against-

MEMORANDUM & ORDER
05-CV-4296 (JS) (ETB)

DHB INDUSTRIES, INC., DAVID H. BROOKS,
TERRY BROOKS, DAVID BROOKS INTERNATIONAL
INC., ANDREW BROOKS INTERNATIONAL INC.,
ELIZABETH BROOKS INTERNATIONAL INC.,
SANDRA HATFIELD, DAWN M. SCHLEGEL, CARY
CHASIN, JEROME KRANTZ, GARY NADELMAN and
BARRY BERKMAN,

Defendants.

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In re DHB INDUSTRIES, INC. DERIVATIVE
LITIGATION

THOMAS HUSTON, derivatively on behalf of
DHB Industries, Inc.,

Plaintiff,

-against-

ORDER
05-CV-4345 (JS) (ETB)

DHB INDUSTRIES, INC., as a nominal
defendant, DAVID H. BROOKS, SANDRA
HATFIELD, DAWN M. SCHLEGEL, JEROME
KRANTZ, GARY NADELMAN, CARY CHASIN,
BARRY BERKMAN, and LARRY ELLIS,

Defendants.

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In re DHB INDUSTRIES, INC. DERIVATIVE
LITIGATION

ROBERT PUCEK, individually and on behalf
of all others situated,

Plaintiff,
-against-

ORDER
05-CV-4331 (JS) (ETB)

DHB INDUSTRIES, INC., as a nominal defendant, DAVID H. BROOKS, SANDRA HATFIELD, and DAWN M. SCHLEGEL,

Defendants.

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Appearances:

For Plaintiffs In

Putative Class Action: Lynda J. Grant, Esq.
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Chasin, Barry Berkman:

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Terry Brooks, David
Brooks International,
Inc., Elizabeth Brooks
International, Inc.:

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Pending before the Court are three motions: (1) a motion for protective order brought by Defendant Dawn M. Schlegel (docket entry # 109 in matter 05-4296) (2) a motion to strike the Amended Complaint brought by Defendant David H. Brooks (docket entry # 119 in matter 05-4296), (3) and an identical motion to strike brought by Defendant David H. Brooks (docket entry # 40 filed in matter 05-4331).

At two status conferences, Defendants represented to Magistrate Judge E. Thomas Boyle that the motions should be held in abeyance while the parties underwent settlement negotiations. This Court conducted a hearing for preliminary approval of settlement on

January 19, 2007. At this hearing, the parties represented to the Court that any motions to dismiss were withdrawn without prejudice. On March 13, 2007, Lead Plaintiffs filed another motion for settlement.

In light of the foregoing, the Court deems the above-stated three motions - the motion for protective order and the two identical motions to strike in matters 05-4296 and 05-4331 - deemed withdrawn without prejudice. Should the matters fail to settle, the parties are given leave to re-file these motions.

The Court also notes that the parties continue to file documents in matter 05-CV-4331. The parties should only file documents in two matters: the first being 05-4296 as the lead case for the class action and the second being 05-4345 as the lead case for the derivative action. The parties should no longer file documents in matter 05-CV-4331 or any other related matters. The Clerk of the Court is ordered to administratively close matter with docket number 05-CV-4331.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: Central Islip, New York
March 26, 2007